

REMARKS/ARGUMENTS

This response has been filed with a Petition to Revive and with a Power of Attorney so that future PTO correspondence is directed to the firm which docketed the office actions. In an office action mailed September 10, 2002, Claims 1-16 were rejected under Section 102(e) as anticipated by Sachdeva at el. (USPN: 6,315,553). Sachdeva relates to a method and apparatus for treating an orthodontic patient. The Sachdeva treatment begins by generating digital information regarding the orthodontic patient by a site orthodontic system. The site orthodontic system then transmits the digital information to an orthodontic server, which creates an electronic patient record therefrom. The orthodontic server then generates an initial treatment from the electronic patient record, wherein the initial treatment plan includes precise steps to obtain a desired orthodontic structure. The orthodontic server then transmits a digital version of the initial treatment plan to the site orthodontic system. Upon confirmation from the site orthodontic system, the orthodontic server designs an orthodontic apparatus for one of the precise steps based on the treatment plan. The orthodontic apparatus is then fabricated and provided to the site orthodontic system. At predetermined points in time after installation of the orthodontic apparatus in accordance with the treatment plan, the patient's mouth is electronically scanned to obtain updated digital information. The site orthodontic system provides the updated digital information to the orthodontic server, which uses the updated digital information to update the electronic patient record. From the updated electronic patient record, the orthodontic server determines whether the actual movement of the patient's teeth is as predicted. If so, the next step of the initial treatment plan is executed. If, however, the actual movement is not as predicted, the orthodontic server adjusts the treatment plan to obtain the desired results. After the treatment plan has been adjusted, the next step of the revised treatment plan is executed. This monitoring of a patient's progress and revising the treatment plan, when necessary, continues throughout the treatment.

Applicants respectfully traverse the rejection under Section 102(e). A Section 102(e) rejection requires each and every element of the claims be present in the reference. Here,

Sachdeva fails to show at least the electronically transmitting changes to the graphical representation from the viewing computer to the host computer.

As disclosed on pages 40-41 of the instant specification, one embodiment of the electronically transmitting changes to the graphical representation is as follows:

"The viewer program allows the clinician to alter the rendered image by manipulating the image graphically. For example, the clinician can reposition an individual tooth by using a mouse to click and drag or rotate the tooth to a desired position. In some implementations, repositioning an individual tooth alters only the rendered image; in other implementations, repositioning a tooth in this manner modifies the underlying data set. In the latter situation, the viewer program performs collision detection to determine whether the attempted alteration is valid and, if not, notifies the clinician immediately. Alternatively, the viewer program modifies the underlying data set and then uploads the altered data set to the remote host, which performs the collision detection algorithm. The clinician also can provide textual feedback to the remote host through a dialog box 2018 in the interface display 2000. Text entered into the dialog box 2018 is stored as a text object and later uploaded to the remote host or, alternatively, is delivered to the remote host immediately via an existing connection."

Sachdeva does not show the specifics of claim 1. Hence, Sachdeva cannot anticipate claim 1. Withdrawal of the rejection on claim 1 is requested.

The dependent claims are allowable since they depend from allowable claim 1. Further, Sachdeva fails to show the specifics of the dependent claims. For example, Sachdeva does not show the specifics of maintaining a second digital data set representing a three-dimensional graphical representation of the patient's teeth in an initial arrangement on the host computer, electronically transmitting the second digital data set to the viewing computer, and displaying the three-dimensional graphical representation of the patient's teeth in the initial arrangement on the viewing computer to the treating clinician. Sachdeva does not show that the graphical representations of the teeth in the final and initial configurations are displayed side-by-side on a display of the viewing computer. Sachdeva fails to show that the digital data set is displayed as an animated routine. Further, Sachdeva does not show that the treating clinician manipulates the animation routine on the viewing computer to step forward or backward through images along a treatment path. Sachdeva also fails to show altering a three-dimensional image displayed on the viewing computer, wherein the altered image may be electronically transmitted

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to the host computer. Sachdeva does not show detecting tooth collisions resulting from the altered image and altering the treating clinician. Additionally, Sachdeva does not show electronically transmitting the revised digital data set to the viewing computer, displaying a revised three-dimensional graphical representation on the viewing computer to the treating clinician, and electronically transmitting further changes to the graphical representation or comments of the treating clinician from the viewing computer to the host computer.

For these reasons, Sachdeva cannot anticipate any of the claims. Withdrawal of the Section 102(e) rejection is respectfully requested.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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Attachments: 1) *Petition to Revive*
2) *Power of Attorney*

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